

## REMARKS

The applicant appreciates the Examiner's thorough examination of the application and request reexamination and reconsideration of the application in view of the following remarks.

The Examiner rejects claims 22-45, 47, and 50-71 of the subject application under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,683,610 to *Richards et al.* in view of U.S. Patent No. 6,016,848 to *Egres Jr.* The Examiner also rejects claims 48-49 under 35 U.S.C. §103(a) as being unpatentable over *Richards* in view of *Egres Jr.* and further in view of U.S. Patent No. 5,598,598 to *Sorenson*.

Independent claim 22 of the subject application is directed to a foldable member comprising at least a first tube made of layers of material, at least one predetermined hinge area along the length of the first tube, and a plurality of opposing elongated slots in the tube through the layers of material forming separated longitudinal strips of layers of tube material between the slots which fold when subjected to localized buckling forces. Because of the slots, the foldable member can be folded and then released, whereupon it returns to its original configuration. See Figs. 1-3 and page 10, lines 1-6 of the subject application. Independent claims 30, 50, 52, 58, and 65-71 also include the feature that the tube is made of layers of material.

The Examiner alleges that *Richards* shows all of the features of the claimed invention, except for the tube being made of layers of material. The Examiner further alleges that *Egres Jr.* shows a tube being made of layers of material, and that it would be obvious to one having ordinary skill in the art to modify *Richards'* structure to arrive at a tube made of layers of material because *Richards* uses a handle which needs to be strong as the handle is subjected to repeated flexing per the motion of the handle, and *Egres Jr.* provides for a strong

handle which is able to withstand repeated flexing.

*Richards* is directed to an extension for a handle of a tool or similar device. The handle extension of *Richards* is a cylindrical-shaped hollow tube which includes a series of slots 10. Together, the slots and strips of tube material form a clamping area 14. See Col. 3, lines 17-26; Col. 3, line 63-Col. 4, line 4 and Figs. 2 and 6 of *Richards*. In operation, the handle of a tool is telescopically inserted into the bore of the handle extension of *Richards*. A clamp 17 is mounted on clamping area 14 generally at its midpoint. Manipulation of wingnut 18 tightens band 16 about the clamping area which will radially compress the strips of material inwardly and clamp the strips uniformly against the handle of the tool. See Col. 3, lines 32-41 of *Richards*. It is the compression of the strips radially inward to grip the tool handle that secures the tool handle in a desired position within the handle extension.

*Egres Jr.* is directed to flexible fluoropolymer fibers which exhibit excellent properties when subjected to repeated flexing due to vibration, bending, or the like. See the Abstract; Col. 1, lines 11-14; and Col. 3, lines 4-7 of *Egres Jr.*

The applicant submits that one of ordinary skill in the art would not look to *Egres Jr.* to make any modifications to *Richards*. The handle extension for a tool of *Richards*, and specifically the clamping area of *Richards*, is not subjected to repeated flexing due to vibration, bending or the like, which is the main focus of the invention of *Egres Jr.* As disclosed by *Richards*, the handle of numerous types of tools is telescopically inserted into the bore of the handle extension and projects several inches or more beyond the location of the clamping area. This prevents a rocking movement of the handle within the tube. See Col. 3, lines 52-60 of *Richards*. The extension of the tool handle beyond the clamping area prevents the clamping area from experiencing flexing. Therefore, since the problem addressed by the invention of *Egres Jr.* is not of any relevance to the device of *Richards*,

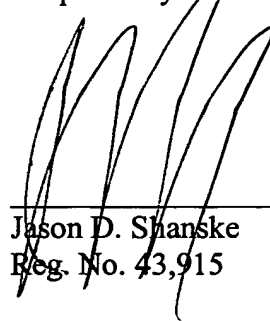
there is no motivation, teaching or suggestion to modify *Richards* to include any features of *Egres Jr.*

Accordingly, as there is no motivation, teaching or suggestion to combine the references, the claims of the present invention are patentable over the references.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,



---

Jason D. Shanske  
Reg. No. 43,915